IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2006

CORAM

THE HON'BLE Ms. JUSTICE K.SUGUNA
Writ Petition No.14296 of 2006

S.Balasambandamoorthy ... Petitioner

Vs.

1. The State of Tamil Nadu, rep.
by the Secretary to Government,
Finance (Pay Cell), Department,
Fort St. George, Madras-9.

2. The Chief Engineer (Highways and
Rural Works),
Chepauk, Madras-5.

3. The Superintending Engineer,
(Highways and Rural Works),
Venkataramana Road,
R.S.Puram, Coimbatore-2. ... Respondents

Writ petition has been filed under Article 226 of The Constitution of India to issue a Writ of Certiorarified Mandamus call for the records on the file of the second respondent in connection with the order passed by him in Letter No.21638/Ni.4/87, dated 23.9.91 and quash the same and direct the respondents to pay the selection grade and special grade scales of pay with effect from the date of Completion of 10 years and 20 years of service respectively in the post of Junior Assistant in Highways Department with all consequential service benefits.

For Petitioner : Mr.R.Singaravelan
For Respondents : Mrs.Geetha Thamaraiselvan,
Government Advocate.

WEB COPY

O R D E R

The petitioner has originally filed O.A.No.4765 of 1992 on the file of the Tamilnadu Administrative Tribunal, challenging the order of the Chief Engineer, Public Works Department, dated 23.09.1991 and the same has been transferred to the file of this Hon'ble Court and re-numbered as W.P.No.14296 of 2006.

https://hcservices.ecourts.gov.in/hcservices/

2. According to the learned counsel for the petitioner, the petitioner, on completion of ten years of service in the cadre of Junior Assistant, is eligible for awarding of Selection Grade, but by the impugned order, the Selection Grade has been denied to the petitioner on the ground that the petitioner had not had the requisite qualifications, which are essential for promotion to the post of Assistant. But as per G.O.Ms.No.276, Public and Administrative Reforms (Personnel.S) Department, dated 07.08.1999, the Government has issued a specific order stating that the criterion that one should possess the qualifications, pass the tests, if any, which are essential for promotion to the next higher cadre need not be insisted for movement to the Selection Grade and Special Grade. In view of this Government Order, according to the learned counsel for the petitioner, the impugned order of the second respondent dated 23.09.1995 is prima facie illegal and the same has to be set aside.

3. As rightly contended by the learned counsel for the petitioner, the reason basing on which the petitioner's request for awarding of selection grade has been refused by the impugned order, is contrary to the order issued in G.O.Ms.No.276 dated 07.08.1999. The said Government Order is issued basing on the orders of this Court in a batch of Writ Petitions and since the issue in question is fully covered by the orders issued in G.O.Ms.No.276 dated 07.08.1999, the impugned order is set aside and the writ petition is allowed. There is no order as to costs.

sbi

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Secretary to Government
Finance (Pay Cell), Department,
State of Tamil Nadu,
Fort St. George, Madras-9.

2. The Chief Engineer (Highways and
Rural Works), Chepauk, Madras-5.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

3. The Superintending Engineer,
(Highways and Rural Works),
Venkataramana Road,
R.S.Puram, Coimbatore-2.

+ 1 cc to the Government Pleader SR No. 46625

+ 1 cc to Mr. R. Singaravelan, Advocate SR No. 46535

NG(CO)
SR/25.10.2006

W.P.No.14296 of 2006

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/